

ANNEX

3. ENTERPRISE

- 3.1. Council Directive 76/767/EEC of 27 July 1976 on the approximation of the laws of the Member States relating to common provisions for pressure vessels and methods of inspecting them⁽¹⁾

As regards Directive 76/767/EEC, the Commission should be empowered to adapt to technical progress its Annexes and those provisions of the separate directives which are specified in each of those directives. Since those measures are of general scope and are designed to amend non-essential elements of Directive 76/767/EEC and the separate directives, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

Accordingly, Directive 76/767/EEC is hereby amended as follows:

1. Article 17(2)(a) shall be replaced by the following:
 - (a) the Member State shall forward the documents giving the description of the vessel and the documents supporting its request for derogation, including the results of any tests carried out, to the other Member States, which shall have a period of four months to agree or disagree, to submit any comments, questions, additional requirements or requests for further tests, or, if they so wish, to refer the matter to the Committee referred to in Article 20(1) for its view. Copies of the documents shall be sent to the Commission. Such correspondence shall be confidential.;
2. Article 18 shall be replaced by the following:

Article 18

The Commission shall adapt to technical progress Annexes I and II to this Directive and those provisions of the separate directives which are specified in each of those directives. Those measures, designed to amend non-essential elements of this Directive and the separate directives, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 20(2).;
3. Article 20 shall be amended as follows:
 - (a) paragraph 2 shall be replaced by the following:
 2. Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.;
 - (b) paragraph 3 shall be deleted.
- 3.2. Council Directive 76/769/EEC of 27 July 1976 on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations⁽²⁾

As regards Directive 76/769/EEC, the Commission should be empowered to adapt the Annexes thereto to technical progress. Since those measures are of general scope and are designed to amend non-essential elements of Directive 76/769/EEC, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

When, on imperative grounds of urgency, such as an urgent need to strengthen restrictions on the marketing or use of dangerous substances, the normal time limits for the regulatory procedure with scrutiny cannot be complied with, the Commission should be able to apply the urgency procedure provided for in Article 5a(6) of Decision 1999/468/EC.

Accordingly, Directive 76/769/EEC is hereby amended as follows:

1. Article 2a shall be replaced by the following:

Article 2a

The Commission may adapt the Annexes to this Directive to technical progress with regard to substances and preparations covered by this Directive. Those measures, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 2b(2). On imperative grounds of urgency, the Commission may have recourse to the urgency procedure referred to in Article 2b(3).;

2. the following Article shall be inserted:

Article 2b

- 1 The Commission shall be assisted by the Committee established by Article 29(1) of Council Directive 67/548/EEC⁽³⁾

- 2 Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

- 3 Where reference is made to this paragraph, Article 5a(1), (2), (4) and (6) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

- 3.3. Directive 94/25/EC of the European Parliament and of the Council of 16 June 1994 on the approximation of the laws, regulations and administrative provisions of the Member States relating to recreational craft⁽⁴⁾

As regards Directive 94/25/EC, the Commission should be empowered to make amendments in the light of the progress of technical knowledge and in the light of new scientific evidence. Since those measures are of general scope and are designed to amend non-essential elements of Directive 94/25/EC, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

Accordingly, Directive 94/25/EC is hereby amended as follows:

1. Article 6a shall be replaced by the following:

Article 6a

The Commission may make amendments which are necessary in the light of the progress of technical knowledge and in the light of new scientific evidence to the requirements of Annex I.B.2 and Annex I.C.1, excluding direct or indirect modifications to exhaust or noise emission values and to the Froude and P/D ratio values. Such amendments may include reference fuels and the standards to be used for exhaust and noise emissions testing.

Those measures, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 6b(2).;

2. the following Article shall be inserted:

Article 6b

1 The Commission shall be assisted by the Committee set up pursuant to Article 6(3).

2 Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

3.4. Directive 96/73/EC of the European Parliament and of the Council of 16 December 1996 on certain methods for the quantitative analysis of binary textile fibre mixtures⁽⁵⁾

As regards Directive 96/73/EC, the Commission should be empowered to adopt the measures necessary for the adaptation to technical progress of the methods of quantitative analysis provided for in Annex II thereto. Since those measures are of general scope and are designed to amend non-essential elements of that Directive, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

Accordingly, Articles 5 and 6 of Directive 96/73/EC shall be replaced by the following:

Article 5

The Commission shall adapt to technical progress the methods of quantitative analysis provided for in Annex II. Those measures, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 6(2).

Article 6

1 The Commission shall be assisted by a Committee for Directives relating to Textile Names and Labelling.

2 Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

3.5. Directive 1999/45/EC of the European Parliament and of the Council of 31 May 1999 concerning the approximation of the laws, regulations and administrative provisions of the Member States relating to the classification, packaging and labelling of dangerous preparations⁽⁶⁾

As regards Directive 1999/45/EC, the Commission should be empowered to adapt the Annexes thereto to technical progress. Since those measures are of general scope and are designed to amend non-essential elements of Directive 1999/45/EC, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

Accordingly, Directive 1999/45/EC is hereby amended as follows:

1. the first sentence of Article 10(3) shall be replaced by the following:

In relation to certain preparations classified as dangerous within the meaning of Article 7, by way of derogation from points 2.4, 2.5 and 2.6 of paragraph 2 of this Article, the Commission may determine exemptions to certain provisions on environmental labelling or specific provisions in relation to environmental labelling, where it can be demonstrated that there would be a reduction in the environmental impact. Those measures, designed to amend non-essential elements of this Directive by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 20a(3).;

2. the second sentence of Article 12(4) shall be replaced by the following:

Where appropriate, the Commission may decide upon measures in the framework of Annex V. Those measures, designed to amend non-essential elements of this Directive by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 20a(3).;

3. Article 19(3) shall be replaced by the following:

3. The Commission shall take a decision in accordance with the regulatory procedure referred to in Article 20a(2).;

4. Article 20 shall be replaced by the following:

Article 20

The Commission shall adapt to technical progress the Annexes to this Directive. Those measures, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 20a(3).;

5. the following Article shall be inserted:

Article 20a

- 1 The Commission shall be assisted by the committee established by Article 29(1) of Council Directive 67/548/EEC⁽⁷⁾

- 2 Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

- 3 Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

- 3.6. Directive 2002/24/EC of the European Parliament and of the Council of 18 March 2002 relating to the type-approval of two or three-wheel motor vehicles⁽⁸⁾

As regards Directive 2002/24/EC, the Commission should be empowered to adapt to technical progress its Annexes or the provisions of the separate directives referred to in its Annex I. Since those measures are of general scope and are designed to amend non-essential elements of Directive 2002/24/EC or of the separate directives, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

Accordingly, Directive 2002/24/EC is hereby amended as follows:

1. Article 17 shall be replaced by the following:

Article 17

The Commission may adapt to technical progress the Annexes to this Directive or the provisions of the separate directives referred to in Annex I to this Directive. Those measures, designed to amend non-essential elements of this Directive or of the separate directives, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 18(2).;

2. Article 18 shall be amended as follows:

(a) paragraph 2 shall be replaced by the following:

2. Where reference is made to this paragraph, Articles 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.;

(b) paragraph 3 shall be deleted.

3.7. Directive 2003/37/EC of the European Parliament and of the Council of 26 May 2003 on type-approval of agricultural or forestry tractors, their trailers and interchangeable towed machinery, together with their systems, components and separate technical units⁽⁹⁾

As regards Directive 2003/37/EC, the Commission should be empowered to adapt its Annexes, to adapt the technical provisions of the separate directives and to introduce into the separate directives provisions relating to the EC type-approval of separate technical units. Since those measures are of general scope and are designed to amend non-essential elements of Directive 2003/37/EC, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

Accordingly, Directive 2003/37/EC is hereby amended as follows:

1. Article 19 shall be amended as follows:

(a) in paragraph 1, the introductory wording shall be replaced by the following:

1. The following measures designed to amend non-essential elements of this Directive which are necessary for the implementation of this Directive and which relate to the subject matter referred to below shall be adopted by the Commission in accordance with the regulatory procedure with scrutiny referred to in Article 20(3).;

(b) paragraph 2 shall be replaced by the following:

2. The Commission shall adapt the Annexes to this Directive if, pursuant to Decision 97/836/EC, new regulations or amendments to existing regulations which the Community has accepted are introduced. Those measures, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 20(3).;

2. Article 20(3) shall be replaced by the following:

3. Where reference is made to this paragraph, Articles 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

3.8. Directive 2004/22/EC of the European Parliament and of the Council of 31 March 2004 on measuring instruments⁽¹⁰⁾

As regards Directive 2004/22/EC, the Commission should be empowered to take appropriate measures to amend the instrument-specific Annexes thereto (MI-001 to MI-010). Since those measures are of general scope and are designed to amend non-essential elements of Directive 2004/22/EC, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

Accordingly, Directive 2004/22/EC is hereby amended as follows:

1. Article 15 shall be amended as follows:
 - (a) paragraph 3 shall be replaced by the following:
 3. Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.;
 - (b) paragraph 4 shall be deleted.
 2. Article 16(2) shall be replaced by the following:
 2. At the request of a Member State or on its own initiative, the Commission may amend the instrument-specific Annexes (MI-001 to MI-010) in relation to the following:
 - a maximum permissible errors (MPEs) and accuracy classes;
 - b rated operating conditions;
 - c critical change values;
 - d disturbances.
- Those measures, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 15(3).

- (1) OJ L 262, 27.9.1976, p. 153.
- (2) OJ L 262, 27.9.1976, p. 201.
- (3) OJ 196, 16.8.1967, p. 1.’
- (4) OJ L 164, 30.6.1994, p. 15.
- (5) OJ L 32, 3.2.1997, p. 1.
- (6) OJ L 200, 30.7.1999, p. 1.
- (7) OJ 196, 16.8.1967, p. 1.’
- (8) OJ L 124, 9.5.2002, p. 1.
- (9) OJ L 171, 9.7.2003, p. 1.
- (10) OJ L 135, 30.4.2004, p. 1.